

REMARKS

In the March 23, 2005 Office Action, the Examiner:

- Rejected claims 1, 2, 5, and 7 under 35 U.S.C. § 102(b) as being anticipated by Lang (“*Lang*”, U.S. Pat. No. 1,759,161);
- Rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ueda (“*Ueda*”, U.S. Pat. No. 5,819,700);
- Rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Lang; and
- Objected to claims 3, 6, and 8 as being dependent upon a rejected base claim.

Applicants amend claims 1, 5, and 7, and cancel claims 3, 6, and 8. No new matter has been added. The pending claims are claims 1, 2, 4, 5, 7, and 9.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 5, and 7 under 35 U.S.C. § 102(b) as being anticipated by *Lang*. Applicant, however, respectfully traverses this rejection, in light of the amendments.

For a proper showing that these claims are anticipated by *Lang*, all elements of the rejected claim must be disclosed in the cited reference.

Applicant has amended claim 1 to include the limitation of canceled claim 3 by including such limitation wherein “said through hole has a larger diameter at said bowl side and said through hole gets linearly smaller in diameter from said bowl to the lateral side of said piston.” Applicant has also amended claim 5 to include the limitation of canceled claim 6 by including such limitation wherein “said plurality of holes have a first opening cross-section in said bowl and gradually decrease in cross-section to a second smaller cross section exiting on said lateral side.” Additionally, Applicant has amended claim 7 to include the limitation of canceled claim 8 by including such limitation wherein “said through hole has a larger diameter at said bowl side and said through hole gets linearly smaller in diameter from said bowl to the lateral side of said piston.”

The Examiner states that *Lang* discloses “a bowl (a) and through holes (d and e) passing through from the bowl to a lateral side of the piston in an upwardly direction.” However, *Lang* does not disclose that the diameter of such holes linearly or gradually

decreases in size from the bowl to the lateral side of the piston. Since Applicant has amended the rejected claims to include this further limitation, they are not anticipated by *Lang*.

In light of the above, it is respectfully submitted that *Lang* does not disclose, teach, or suggest all of the limitations of independent claims 1, 5, and 7. Accordingly, *Lang* cannot anticipate any of the independent claims or any of the claims that depend there from. Furthermore, because claim 2 depends from independent claim 1, *Lang* also does not anticipate claim 2.

The Examiner also rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Ueda*. Applicant also respectfully traverse this rejection, in light of the amendments.

The Examiner states that *Ueda* discloses “through holes 10, which pass through from a bowl in the upper side of the piston to a lateral side of the piston.” However, as previously stated, claim 1 has been amended to include the limitation wherein “said through hole has a larger diameter at said bowl side and said through hole gets linearly smaller in diameter from said bowl to the lateral side of said piston.” Therefore, since Applicant has amended the rejected claim to include this further limitation, it is not anticipated by *Ueda*.

In light of the above, it is respectfully submitted that *Ueda* does not disclose, teach, or suggest all of the limitations of independent claim 1. Accordingly, *Ueda* cannot anticipate any of the independent claims or any of the claims that depend there from. Therefore, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being anticipated by *Lang*. Applicant, however, also respectfully traverses this rejection, in light of the amendments. As previously stated, claim 1, the claim from which claims 4 and 9 depend, has been amended to include the limitation wherein the size of the diameter of through hole decreases from the bowl to the lateral side of the piston. The Examiner states that, “*Lang* shows everything except the through holes being shaped as a curved passage.” However, with the inclusion of the further limitation, *Lang* also does not show the gradually decreasing size of the diameter of such holes from the bowl to the lateral side of the piston. Therefore, Applicant respectfully requests withdrawal of this rejection.

Allowable Subject Matter

The Examiner has noted that claims 3, 6 and 8 would be allowable if re-written in independent form including all the limitations of the base claim and any intervening claims.

Therefore, claim 3 has been canceled and incorporated into independent claim 1, claim 6 has been canceled and incorporated into independent claim 5, and claim 8 has been canceled and incorporated into independent claim 7. Applicant believes that the aforementioned independent claims are now allowable and therefore respectfully requests the withdrawal of this rejection.


CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant encourages the Examiner to call the undersigned attorney at (415) 442-1106 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. § 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 060945-0143-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: June 23, 2005

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